

Order

Michigan Supreme Court
Lansing, Michigan

October 15, 2021

Bridget M. McCormack,
Chief Justice

162346

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
Justices

DONNA LOGAN,
Plaintiff-Appellant,

v

SC: 162346
COA: 348644
Wayne CC: 18-005560-NO

CITY OF SOUTHGATE,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 29, 2020 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on the application. MCR 7.305(H)(1).

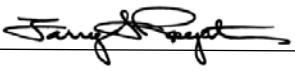
The appellant shall file a supplemental brief addressing: (1) whether application of the open and obvious defense (MCL 691.1402a(5)) to claims against municipal corporations involving vertical discontinuity defects of greater than 2 inches (MCL 691.1402a(3)(a)) abrogates the municipal corporation's statutory duty to maintain a sidewalk in reasonable repair under MCL 691.1402a(1); and (2) whether the Wayne Circuit Court erred by dismissing the plaintiff's claim under the open and obvious doctrine, and specifically whether the sidewalk at issue was unreasonably dangerous. The appellant's brief shall be filed by January 31, 2022, with no extensions except upon a showing of good cause. In the brief, citations to the record must provide the appendix page numbers as required by MCR 7.312(B)(1). The appellee shall file a supplemental brief within 21 days of being served with the appellant's brief. A reply, if any, must be filed by the appellant within 14 days of being served with the appellee's brief. The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 15, 2021


Clerk